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SOUTHERN DISTRICT OF CALIFORNIA

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20 UNITED STATES DISTRICT COURT
21 SOUTHERN DISTRICT OF CALIFORNIA

BY FAX

22 LPL FINANCIAL CORPORATION,
23 formerly known as LINCISO/PRIVATE
24 LEDGER CORP.,

25 Plaintiff,

26 vs.

27 FIDELITY AND DEPOSIT COMPANY
28 OF MARYLAND,

Defendant.

No. 08 CV 0038 JAH BLM

NOTICE OF SETTLEMENT AND JOINT
MOTION TO VACATE JULY 8, 2008
ORDERS

29 This is to notify the Court that as of July 16, 2008, the parties in the instant action
30 have reached a settlement in principle. The parties are in the process of documenting the
31 settlement and, when final, this action will be dismissed in its entirety with prejudice.

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Both parties made further progress in their settlement negotiations as a result of the Early Neutral Evaluation. As a result, the parties hereby respectfully request and jointly move the Court to vacate its July 8, 2008 Order to Show Cause Why Sanctions Should not Be Imposed.

In light of the settlement in principle, the parties further jointly move the Court to vacate its July 8, 2008 Order Following Early Neutral Evaluation Conference and all deadlines associated therewith.

Dated: July 18, 2008

MANATT, PHELPS & PHILLIPS, LLP

By: Amy B. Briggs
Amy B. Briggs
Attorneys for Plaintiff
LPL FINANCIAL CORPORATION,
FORMERLY KNOWN AS LINCISO/PRIVATE
LEDGER CORP.

Dated: July 18, 2008

STEPTOE & JOHNSON

By: Paul Janaskie
Paul Janaskie
Attorneys for Defendant
FIDELITY AND DEPOSIT COMPANY OF
MARYLAND

IT IS SO ORDERED.

Dated: _____

BARBARA L. MAJOR
United States Magistrate Judge

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